GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Registration & Stamps Department – Sri B.Venkata Naidu (A.O-1), Sub Registrar, Adoni, Kurnool District trapped on 17.06.2010 by ACB – Orders of the Hon'ble APHC in W.P.No.37314/2021, dt:18.07.2023 - Regularization of suspension period from 19.06.2010 to 31.01.2013 as Not on Duty under FR 54 (B) (5) & (7) - Orders - issued.

REVENUE (VIGILANCE.II) DEPARTMENT

G.O.Rt.No.1134 Dated:07.12.2023

Read the following:-

1. From the DG, ACB, Lr.No.86/RCT-KUR/2010-S6, dt: 22.06.2010.
2. Proceedings of DIG, R&S, Kurnool No.A/1040/2010, dt:19.06.2010.
3. From the DG, ACB, Cr.No.86/RCT-KUR/2010-S6, dt:15.06.2011.
4. G.O.Ms.No.7, Revenue (Vig.VI) Department, dated:04.01.2013.
5. Govt. Memo.No.31131/Vig.VI (1)/2010-4, dated:04.01.2013.
6. From the DG, ACB, Rc.No.86/RCT-KUR/2010, dated:09.02.2015.
7. Govt., Memo.No.31131/Vig.II (2)/2010, dated:09.03.2015.
8. Proceedings of the DIG(R&S), Kurnool, Procgs No.S/1040/2010, dt:18.08.2016.
9. Govt. Memo.No.31131/Vig.VI (1)/2010, dt:28.04.2017.
10. Proceedings of the DIG(R&S), Kurnool, Procgs No.Vig.2/9306/2010, dt:29.06.2017.
11. Representations dated:08.08.2017 & 13.07.2018 filed by the Sri B.Venkata Naidu (A.O-1), former SR (Retd), Adoni Kurnool District.
12. Govt., Memo.No.31131/Vig.II (2)/2010, dated:15.01.2019.
13. Representation of Sri B.Venkata Naidu (A.O-1), former Sub Registrar, Adoni, Kurnool District, dt:18.04.2021.
14. W.P.No. 5093 of 2021 filed by Sri B.Venkata Naidu former Sub Registrar, Adoni, Kurnool District (Retired).
15. Govt. Memo No. 31131/Vig.II (2)/2010, dated:18.08.2021.
16. G.O.Rt.No.582, Revenue (Vig.II)Dept., dt: 22.09.2021.
17. Orders dt:18.07.2023 of the Hon'ble High Court in W.P.No.37314/2021, filed by Sri B. Venkat Naidu, SR (Retd).

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ORDER:

Whereas, it was brought to the notice of the Government vide reference 1st read above, that Sri B.Venkata Naidu, former SR, Adoni, (AO-1) has been trapped by the Anti Corruption Bureau on 17-06-2010 on the allegations of demand and acceptance of Rs.50,000/- from the complainant to register the land. The Deputy Inspector General, Registration & Stamps, Kurnool has placed the Accused Officer under suspension w.e.f., 19-06-2010 vide reference 2nd read above. Subsequently, he was re-instated on 31.01.2013.

2. The Director General, Anti Corruption Bureau vide reference 3rd read above, in their final report has recommended to accord sanction to prosecute AO-1 in court of law for corruption charges, besides initiation of departmental action for violation of conduct rules. Government after following due procedure have accepted the recommendations of the Director General, Anti Corruption Bureau and accorded sanction to prosecute AO-1 Sri B.Venkata Naidu, former SR, vide G.O. 4th read above. The Director General, Anti Corruption Bureau vide reference 6th read above has informed that the Anti Corruption Bureau court, Kurnool on 02-01-2015 have passed judgment in CC No.87/2013 filed against Sri B.Venkata Naidu, former Sub Registrar, Adoni, (AO-1) and acquitted the AO-1 from the charge and the Director General, Anti Corruption Bureau has requested the Government to accord permission to the Standing Counsel of the Bureau to file an appeal in the High Court of A.P., against the orders of Special Judge Court for trial of Anti Corruption Bureau

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Cases, Kurnool. Government after examination of the matter have accorded permission to the Director General, Anti Corruption Bureau to file criminal appeal against the trail Court Judgement vide reference 7th read above and the same is pending.

3. In respect of Departmental Action, disciplinary proceedings were initiated against the accused officer Sri B.Venkata Naidu, Sub Registrar by the Deputy Inspector General (Registration & Stamps), Kurnool and after following due procedure, a penalty of one increment with cumulative effect was imposed. Further, on appeal, the penalty has been modified to that of stoppage of one annual grade increment without cumulative effect vide reference 9th read above. Accordingly, the Deputy Inspector General (Registration & Stamps), Kurnool have issued the proceedings vide reference 10th read above.

4. Sri B.Venkata Naidu, Sub Registrar (Retired) filed W.P. No.5093 of 2021 in the Hon'ble High Court for regularization of suspension period. Hon'ble High Court in W.P. No.5093 of 2021 is pleased to pass orders on 20.03.2021 (operative portion of the order) as follows:

> *..... the respondents are directed to consider the representation of the petitioner strictly in terms of judgment of the Apex Court in B.D. Gupta v/s State of Haryana (referred supra) and pass appropriate order in accordance with law, only after giving him an opportunity of hearing to make out his case".*

5. In compliance of the Hon'ble Court directions, an opportunity has been provided to the petitioner and after examining the matter, Government have regularized the suspension period from 19.06.2010 to 31.01.2013 as Not on Duty in respect of Sri B.Venkata Naidu, former Sub Registrar, Adoni, (Retired) in terms of FR 54 (B) (5) & (7) as he was awarded a penalty of stoppage of one increment without cumulative effect vide G.O. 16th read above.

6. Aggrieved by the above orders, Sri B.Venkata Naidu, Sub Registrar (Retired) filed W.P.No.37314/2021 and the Hon'ble A.P. High Court has passed the following orders on 18.07.2023: (operative portion):

> *"The order vide G.O.Rt.No.582, Revenue (Vigilance.II) Department, dated 22.09.2021, of the 1st respondent/Special Chief Secretary to Government is hereby set aside and the matter is remanded back to the 1st respondent for fresh consideration and to pass appropriate order, basing upon the observations made by this Court in the above, within a period of three (3) months from the date of receipt of a copy of this order"*

7. Hon'ble High Court while disposing the case has observed the following:

> (i) No observation is made in the order that the suspension was not justified; (ii) the petitioner was not paid 75% of subsistence allowance and he was paid 50% of subsistence allowance; (iii) Even though the service of the petitioner is regularized, the payment of salary was not made and payment was jettisoned on the ground that the petitioner was not fully exonerated as criminal appeal is pending against the petitioner; (iv) the impugned order does not clearly specify whether the petitioner's suspension period was treated as regularized or not.

8. In light of the Hon'ble High Court orders, after examining the matter, Government have observed as follows: (i) since, the Accused Officer Sri B. Venkata Naidu, Sub Registrar (Retired) involved in a prima facie case of bribery and as he was awarded a penalty of stoppage of one increment without cumulative effect on the proved charges of violation of conduct rules, it can't be said that the suspension was unjustified; (ii) the accused officer Sri B. Venkata Naidu, Sub Registrar (Retired) involved in a prima facie case of bribery, hence, the subsistence allowance restricted to 50% during his suspension period, as per FR-53 (1) (iv); (iii) the

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payment of salary was not made, not on the ground that criminal appeal is pending, but on the ground that the petitioner was not fully exonerated due to the proved charges in departmental action and the suspension period was regularized as 'Not on Duty' for all purposes except for payment of salary; (iv) in compliance with the orders dt:20.03.2021 of the Hon'ble High Court in W.P.No.5093/2021, Government have regularized the suspension period of the petitioner as 'Not on Duty vide G.O.Rt.No.582, dt:22.09.2021.

9. In compliance with the Hon'ble High Court orders dt:18.07.2023 in W.P.No.37314/2021, after examining entire matter afresh, Government have decided to regularize the suspension period of Sri B.Venkata Naidu, Sub Registrar (Retired) from 19.06.2010 to 31.01.2013, as 'Not on Duty' as per FR 54 (B) (5) & (7), as the suspension was justified, since, Sri B. Venkata Naidu, Sub Registrar (Retired) involved in prima facie case bribery and he awarded with a minor penalty in departmental action. Accordingly, Government hereby order to regularize the suspension period of Sri B.Venkata Naidu, Sub-Registrar (Retired) from 19.06.2010 to 31.01.2013, as 'Not on Duty' as per FR 54 (B) (5) & (7).

10. The Commissioner & Inspector General (Registration & Stamps)/ Deputy Inspector General (Registration & Stamps), Kurnool shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K.S.JAWAHAR REDDY
CHIEF SECRETARY TO GOVERNMENT

To
The Sri B.Venkata Naidu, former Sub-Registrar, Adoni, Kurnool District *(through the Deputy Inspector General, Registration and Stamps, Kurnool)*
The Commissioner and Inspector General, Registration and Stamps, Andhra Pradesh, Eedupugallu, Vijayawada.
The Deputy Inspector General, Registration and Stamps, Kurnool.
Copy to:
The Government Pleader for Services-I, APHC, Nelapadu.
Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER